

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00659

Lisa Sanderson,
Plaintiff,

v.

Commissioner of Social Security,
Defendant.

ORDER

Plaintiff filed this civil action pursuant to the Social Security Act, Section 205(g), for judicial review of the Commissioner's denial of her application for Social Security benefits. Final judgment remanding this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) was entered on November 23, 2021. Thereafter, on December 10, 2021, plaintiff filed an application for attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Doc. 25. The motion was referred to United States Magistrate Judge John D. Love, who issued a report recommending that the motion be denied as premature without prejudice to refiling. Doc. 27. No objections to the report and recommendation have been filed and the time for doing so has passed.

The court therefore reviews the magistrate judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Accordingly, the report and recommendation (Doc. 27) is accepted. Fed. R. Civ. P. 72(b)(3). Plaintiff's application for EAJA fees (Doc. 25) is denied without prejudice to refiling at the appropriate time.

So ordered by the court on January 4, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge